IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF VIRGINIA LYNCHBURG DIVISION

KIMBERLY HARTMAN)
Plaintiff,	
v.) Case No.: 6:20CV00027
CENTRA HEALTH, INC., and) Case No.: 0.20C v 00027
STEPHANIE EAST,)
Defendants.	

DEFENDANT CENTRA HEALTH, INC.'S RESPONSE TO PLAINTIFF'S MOTION TO PARTIALLY UNSEAL VDH RECORDS

In response to an overbroad subpoena from Plaintiff seeking the entire investigation file, the Virginia Department of Health ("VDH") has provided responsive documents to the Court "CONFIDENTIAL UNDER SEAL" because the VDH "believes, in good faith, these documents and the information in them constitutes, contains, embodies, or reflects: Confidential medical information; Communication between medical personnel and patients; Confidential business information; Facility policies and procedures; and Internal personnel information." (ECF No. 75).

Centra agrees with VDH and shares its concerns. Although Centra has not seen the specific contents, Centra anticipates that VDH's investigation file is likely to contain patient health information. Centra has privacy concerns on behalf of its patients. Centra does not oppose Plaintiff's request "that these records be partially unsealed and released to counsel for the parties, subject to the confidentiality provisions of the standing Protective Order" (ECF No. 71), but Centra believes that additional protections and precautions should be implemented for its patients. Specifically, Centra requests the opportunity to redact any irrelevant patient health information from these records. The redacted version of these records can then be designated as Confidential under the Protective Order (ECF No. 34) and used in the case to the extent relevant and admissible.

While Centra does not oppose Plaintiff's request to partially unseal these records (so long as any irrelevant patient health information is redacted and the remainder of these records are designated as Confidential under the Protective Order), Centra disputes Plaintiff's claim that all of these records "are clearly material to both the claims and the counterclaims." (ECF No. 71). Centra anticipates that many of these records will not be relevant to this case. Plaintiff's overbroad subpoena goes beyond EMTALA issues and requests records "in connection with any complaint." Moreover, much of the VDH investigation and its findings had nothing to do with EMTALA. These other issues unrelated to EMTALA have place in this case and Centra reserves its right to object to the discoverability, relevance or admissibility of these records or their use in this case.

Dated: September 17, 2021 Respectfully submitted,

/s/

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Counsel for Centra Health, Inc. and Stephanie East

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notice to the following counsel of record:

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/s/